

**CITY OF EL PASO, TEXAS
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM**

DEPARTMENT: City Development Department

AGENDA DATE: Introduction: July 10, 2012
Public Hearing: July 31, 2012

CONTACT PERSON/PHONE: Michael McElroy, 541-4238

DISTRICT(S) AFFECTED: 2

SUBJECT:

An Ordinance granting special permit No. PZST12-00005, to allow infill development with reduced lot area, reduced setbacks and reduced lot width on the property described as South 115 feet of Tract 210, Sunrise Acres #2, City of El Paso, El Paso County, Texas, pursuant to Section 20.10.280 Infill Development of the El Paso City Code. The penalty being as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 7601 Mt. Latona Drive. Property Owner: Daniel Alderete. PZST12-00005. **THIS IS AN APPEAL CASE** (District 2).

BACKGROUND / DISCUSSION:

This item was heard before the City Plan Commission on June 14, 2012. The applicant requested an appeal on June 21, 2012. See attached report.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

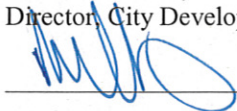
Development Coordinating Committee (DCC) – Approval Recommendation
City Plan Commission (CPC) – Denial Recommendation (6-1)

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DIRECTOR: Mathew McElroy
Director, City Development Department



APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE GRANTING SPECIAL PERMIT NO. PZST12-00005, TO ALLOW FOR INFILL DEVELOPMENT WITH REDUCED LOT AREA, REDUCED SETBACKS AND REDUCED LOT WIDTH ON THE PROPERTY DESCRIBED AS SOUTH 115 FEET OF TRACT 210, SUNRISE ACRES #2, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.10.280 INFILL DEVELOPMENT OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, Daniel Alderete has applied for a Special Permit for infill development under Section 20.10.280 of the El Paso City for a Duplex-Housing Family Residence with reduced lot area, reduced setbacks and reduced lot width; and,

WHEREAS, a report was made to the City Plan Commission and a public hearing was held regarding such application; and,

WHEREAS, the City Plan Commission has recommended approval of the subject Special Permit; and,

WHEREAS, the subject Special Permit has been submitted to the City Council of the City of El Paso for review and approval; and,

WHEREAS, the City Council of the City of El Paso finds that the application conforms to all requirements of Sections 20.04.320 of the El Paso City Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the property described as follows is in an **R-4 (RESIDENTIAL)** Zone District:

South 115 feet of Tract 210, Sunrise Acres #2, City of El Paso, El Paso County, Texas and as more particularly described by metes and bounds on the attached Exhibit "A"; and,

2. That the City Council hereby grants a Special Permit under Sections 20.04.320 of the El Paso City Code, to allow an infill development for a Duplex-Housing Family Residence with reduced lot area and reduced lot width; and,
3. That this Special Permit is issued subject to the development standards in the **R-4 (RESIDENTIAL)** District regulations and is subject to the approved Detailed Site Development Plan, signed by the Applicant, the City Manager and the Executive Secretary to the City Plan Commission. A copy of this plan is

ORDINANCE NO. _____

PZST12-00005

attached hereto as Exhibit "B" and incorporated herein by reference for all purposes; and,

4. That if at any time the Owners fail to comply with any of the requirements of this Ordinance, Special Permit No. PZST12-00005 shall automatically terminate, and construction shall stop or occupancy shall be discontinued, until any such violation ceases; and,
5. That the Owners shall sign an Agreement incorporating the requirements of this Ordinance. Such Agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary of the City Plan Commission before building permits are issued.

PASSED AND APPROVED this _____ day of _____, 2012.


THE CITY OF EL PASO

ATTEST:

John F. Cook
Mayor

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:



Mathew S. McElroy, Director
City Development Department

ORDINANCE NO. _____

PZST12-00005

AGREEMENT

Daniel Alderete, referred to in the above Ordinance, hereby agrees to develop the above-described property in accordance with the approved Detailed Site Development Plan attached to same Ordinance, and in accordance with the standards identified in the R-4 (RESIDENTIAL) District regulations, and subject to all other requirements set forth in this Ordinance.

EXECUTED this 27 day of June, 2012.

Daniel Alderete:

By: Daniel Alderete / owner
(name/title)
[Signature]
(signature)

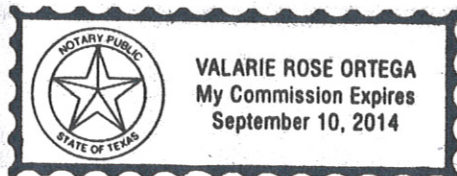
ACKNOWLEDGMENT

THE STATE OF TEXAS)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this 27 day of June, 2012, by Daniel Jr. Alderete, for Daniel Alderete, as Owner.

My Commission Expires: 9/10/14

Valarie Ortega
Notary Public, State of Texas



Notary's Printed or Typed Name:

Valarie Ortega

ORDINANCE NO. _____

PZST12-00005

7601 MT. LATONA
METES AND BOUNDS

Description of a parcel of land being the South 115 feet of Tract 210, Sunrise Acres # 2, City of El Paso, El Paso County, Texas, more particularly described by metes and bounds as follows;

Commencing at an existing city monument located on the center line intersection of Mt. Latona Dr. and Apollo Dr., Thence South $88^{\circ} 49' 00''$ West along the center line of Apollo Dr., a distance of 50.00 feet to a point; Thence, leaving said center line, North $01^{\circ} 11' 00''$ East a distance of 30.00 feet to a point that lies on the Northerly Right-of-Way line of Apollo Dr., said point being the point of beginning of this description;

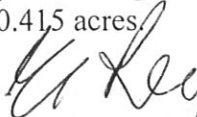
Thence South $88^{\circ} 49' 00''$ West along said Right-of-Way line a distance of 137.80 feet to a point;

Thence North $01^{\circ} 11' 00''$ West, a distance of 115.00 feet to a point;

Thence North $88^{\circ} 49' 00''$ East, a distance of 157.80 feet to a point that lies on the Westerly Right-of-Way line of Mount Latona Dr.;

Thence South $01^{\circ} 11' 00''$ East along said Mount Latona Dr., a distance of 95.00 feet to a point;

Thence along the arc of a curve to the right, whose length is 31.42 feet, whose radius is 20.00 feet, and whose chord bears South $43^{\circ} 49' 00''$ West a distance of 28.28 feet to the point of beginning of this description. Said parcel of land contains 18,077 square feet or 0.415 acres.


Enrique A. Rey
R.P.L.S. TX 3505
2267 Trawood Dr. Suite B-3
El Paso, Texas 79930
(915) 309.1889 Mobile
May 2, 2012

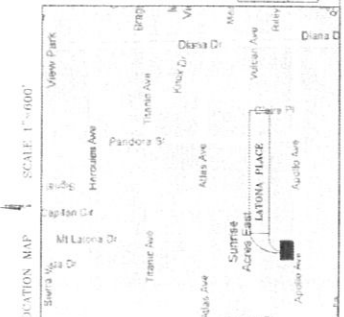
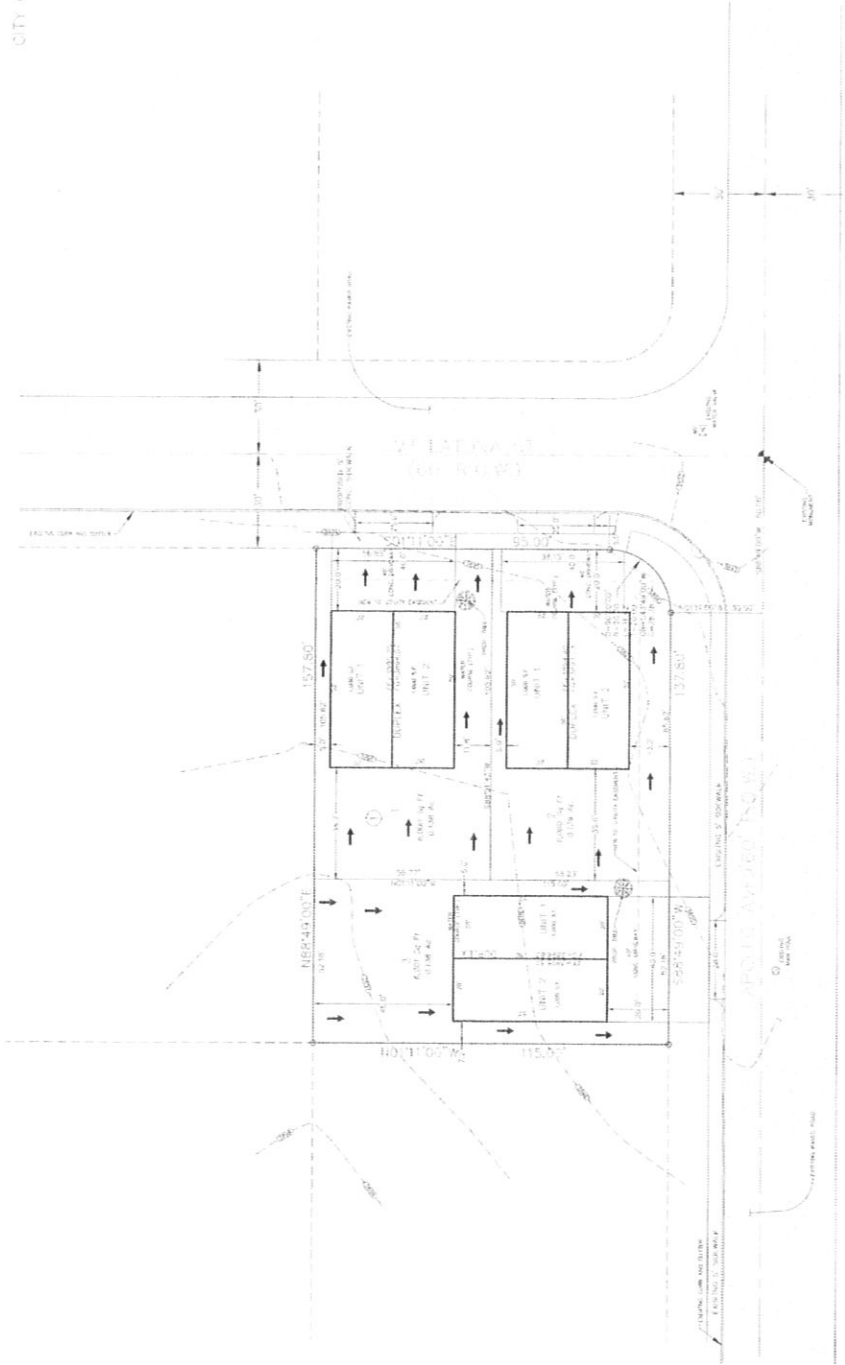


LATONA PLACE

DETAIL SITE DEVELOPMENT PLAN

BEING THE SOUTH 115 FEET OF TRACT 210,
SUNRISE ACRES # 2
CITY OF EL PASO, EL PASO COUNTY, TEXAS
CONTAINING 0.415 AC.

EXHIBIT "B"



OWNER	ADDRESS	TELEPHONE
MR. JAMES ALLEN	847 MACGOWAN ST EL PASO, TEXAS 79904	NO. 5-3331-4371
ENGINEER	226 E. 9TH ST. SUITE 200 EL PASO, TEXAS 79902	NO. 5-3331-4371

ALL EXISTING / PROPOSED PATHS OF TRAVEL, ACCESSIBLE DRIVEWAYS, SMALL DRIVE, ACCESSIBLE CURB RAMP, AND DRIVEWAYS WITHIN PUBLIC RIGHT-OF-WAY SHALL BE CONFORMANT WITH THE TEXAS ACCESSIBILITY STANDARDS AND LOCAL ORDINANCES AND SHALL BE IN ACCORDANCE WITH THE TEXAS ACCESSIBILITY STANDARDS.

DATE OF PREPARATION: MAY 2012
BY: ENGINEERING INC.
CONSULTING ENGINEERING
2000 MACGOWAN ST., SUITE 200
EL PASO, TEXAS 79902
TEL: 532-3331-4371 FAX: 532-3331-4372



Enrique A. Rey
7 June 2012

APPEAL TO THE CITY COUNCIL

DATE: JUNE 20, 2012

HONORABLE MAYOR AND CITY COUNCIL

CITY OF EL PASO, TEXAS

DEAR MAYOR AND COUNCIL:

After a public hearing held on June 14, 2012, the City Plan Commission denied my request for a Special Permit (PZST12-00005) on the property described as "the south 115 ft. of Tract 210, Sunrise Acres #2", otherwise known as 7601 Mt Latona.

I respectfully request the City Council review the City Plan Commission's decision and consider my request set out above. I have attached a letter outlining my reasons why I believe their decision to be in error.

Sincerely

A handwritten signature in dark ink, appearing to read "Daniel Alderete", written over a horizontal line.

Owner

Daniel Alderete

8417 Mercury St. Apt B

El Paso, TX 79904

(915) 256-1913

Daniel Alderete

8417 Mercury St. Apt B
El Paso, TX 79904

(915)-256-1913
dalderetejr@gmail.com

June 20, 2012

Re: Appeal CPC Decision for Special Permit Case PZST12-00005

The Honorable Mayor and City Council,

As owner of the property described as "the South 115 ft of Tract 210 in Sunrise Acres #2", otherwise known as 7601 Mt Latona, I respectfully appeal the City Plan Commission's decision to deny my request for a Special Permit (PZST12-00005).

On June 14, 2012, the CPC denied my request for a Special Permit allowing for the construction of three new duplex on three individual properties as part of a replat for Tract 210 in Sunrise Acres # 2, with a waiver on both the front width and the square footage requirements for an R4 zone. I feel the CPC failed to acknowledge the following:

- Most of the vacant land in the area is odd shaped or non-conforming
- Tract 210 in Sunrise Acres #2 is zoned R4 which currently allows for the construction of duplex
- Tract 210 is surrounded by much more dense housing such as Apartment Housing and Mobile Home Parks
- Tract 210 is surrounded by much more dense zoning districts such as R-MU, A-2, C-4, C-3, C-1
- The requirements in the Special Permit request are not uncommon as an R5 zone allows for a duplex with less front width and less square footage
- Due to current Real-estate market conditions, it is not feasible to build a single family detached home as the cost to build would be greater than appraised or sale value
- The City Planning Staff recommended approval
- The "Future Land Use Map" approved by the City Council identifies this property as "G-3 Postwar" which should benefit from suburban retrofit. As described in the plan:

"The Urban Design Element of this plan describes a wide variety of techniques for retrofitting suburban areas to increase the variety of buildings and provide opportunities for people of all ages, backgrounds, and cultures to live and work. Single-family detached homes can be carefully supplemented by a wider range of housing options, including row houses, condominiums, and even lofts that can be built above stores and offices."

As you may conclude, a duplex is compatible with the surrounding area and fits with the City's Long Range Comprehensive Plan. As a small, independent builder, and as a resident of these neighborhoods, we need to find ways to make in-fill development feasible and achievable.

Sincerely





**CITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION**

MEMORANDUM

DATE: 07/03/2012

TO: The Honorable Mayor and City Council
Joyce Wilson, City Manager

FROM: Michael McElroy, Planner

SUBJECT: PZST12-00005

The City Plan Commission (CPC) on 6/14/2012 voted **6-1** to recommend **DENIAL** of the special permit to allow reduced lot width, lot area, and setbacks for the property located at 7601 Mt. Latona, disagreeing with Staff's recommendation.

The CPC found that this special permit request is not in conformance with Plan El Paso; and the proposed use is not in conformance with the Future Land Use Map. The CPC also determined that this special permit request is not in the best interest, health, safety and welfare of the public in general; and that Infill Development - Duplex is not compatible with adjacent land uses.

The applicant appealed this decision on June 20, 2012.

There were **FOUR LETTERS IN OPPOSITION** to this request.

Attachment: Staff Report



City of El Paso – City Plan Commission Staff Report

REVISED

Case No: PZST12-00005
Application Type: Special Permit
CPC Hearing Date: June 14, 2012
Staff Planner: Michael McElroy, 915-541-4238, mcelroyms@elpasotexas.gov
Location: 7601 Mt. Latona Street
Legal Description: South 115 feet of Tract 210, Sunrise Acres #2, City of El Paso, El Paso County, Texas
Acreage: 0.415 acre
Rep District: 2
Zoning: R-4 (Residential)
Existing Use: Vacant
Request: Reduction in lot width, area, and setbacks / infill development
Proposed Use: Duplex
Property Owner: Daniel Alderete
Representative: Daniel Alderete

SURROUNDING ZONING AND LAND USE

North: R-4 (Residential) / Single family dwellings
South: R-3 (Residential) / Single family dwellings
East: R-4 (Residential) / Single family dwellings
West: A-2/sc (Apartment/Special contract) / vacant

Plan El Paso Designation: G3, Postwar (Northeast)

Nearest Park: Mountain View Park (3,255 ft.)

Nearest School: Lee Elementary (1,254 ft.)

NEIGHBORHOOD ASSOCIATIONS

Mountain View Neighborhood Association

NEIGHBORHOOD INPUT

Notices of this public hearing were mailed to all property owners within 300 feet of the subject property on May 24, 2012. The Planning Division received no letters or phone calls in opposition to the request.

APPLICATION DESCRIPTION

The applicant is requesting a special permit for infill development and a reduction in lot width and area to permit the construction of three 2,000 sq. ft. duplex housing units.

PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **approval** of the special permit and detailed site development plan review request for infill development as the applicant meets the requirements of section 20.04.320 special permit approvals.

Plan El Paso- Future Land Use Map Designation

All applications for rezoning shall demonstrate compliance with the following criteria:

G-3 – Postwar: This sector applies to transitional neighborhoods typically developed from the 1950s through the 1980s. Streets were laid out with curvilinear patterns without alleys and shopping centers are located at major intersections behind large parking lots. This sector is generally stable but would benefit

from strategic suburban retrofits to supplement the limited housing stock and add missing civic and commercial uses.

The purpose of the R-4 (Light Density Residential District) district is to provide a low density of dwelling units supporting a suburban-urban interface that permits developments utilizing varying lot configurations, permit primarily single-family and two-family residential areas, and recreational and institutional uses incidental to and serving the neighborhood.

COMMENTS:

Planning Division - Transportation

No objection to the special permit.

Note:

All existing / proposed paths of travel, accessible sidewalks, wheel chair access curb ramps and driveways within public right-of-ways shall be in compliance with current ADA /TAS rules and regulations and Current City of El Paso Design Standards for Construction.

Engineering & Construction Management Service Department - Land Development

1. Grading plan and permit shall be required.* 2. Storm Water Pollution Prevention Plan and/or permit required.* 3. Drainage plans must be approved by the Engineering and Construction Management Department, Land Development Section.* * This requirement will be applied at the time of development.

Fire Department

Recommend approval of "site plan" as presented. Does not adversely affect fire department. ** Note, A more detailed reviewed will be done by fire plan review during the permitting process.

Sun Metro

Sun Metro does not oppose this request.

El Paso Water Utilities

1. EPWU does not object to this request

Water:

2. There is an existing 6-inch diameter water main extending along Mt. Latona Drive that is available for service, the water main is located approximately 10-ft east from the center right-of-way line.

3. There is an existing 8-inch diameter water main extending along Apollo Drive that is available for service. The alignment of the water main varies between the southeast and southwest property lines.

4. Previous water pressure from fire hydrant #82931 located approximately 315-ft west from the south east property line has yield a static pressure of 110 (psi), a residual pressure of 88 (psi), and a discharge of 1,061 gallons per minute.

5. The owner should, for his own protection and at his own expense, install at the discharge side of each water meter a pressure regulator, strainer and relief valve, to be set for pressure as desired by the customer. The Lot owner shall be responsible for the operation and maintenance of the above-described water pressure regulating device.

Sewer:

6. There is an existing 8-inch diameter sanitary sewer main extending along Mt. Latona Drive that is available for service, the sewer main is located about 5-feet west from the center right-of-way line.

7. There is an existing 8-inch diameter sanitary sewer main extending along Apollo Drive that is available for service, the sewer main is located approximately 5-feet south from the center right-of-way line.

General:

8. EPWU requires a new service application to provide service to the property. New service applications are available at 1154 Hawkins, 3rd floor and should be made 6 to 8 weeks in advance of construction to ensure water for construction work. A site plan, utility plan, grading and drainage plans, landscaping plan, the legal description of the property and a certificate-of-compliance are required at the time of application. Service will be provided in accordance with the current EPWU – PSB Rules and Regulations. The applicant is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

CITY PLAN COMMISSION OPTIONS

The City Plan Commission may consider the following options and additional options that it identifies when reviewing the special permit and detailed site development plan application:

1. Recommend approval of the application finding that the special permit and detailed site development plan is in conformance with the review criteria of Plan El Paso as reflected in CPC report or other criteria that the CPC identifies from the Plan
2. Recommend approval of the application with modifications to bring the special permit and detailed site development plan into conformance with the review criteria in Plan El Paso as reflected in CPC report or other criteria from the Plan as identified by the CPC.
3. Deny the application finding that the special permit and detailed site development plan does not conform to the review criteria in Plan El Paso as reflected in CPC report or other criteria identified from the Plan by the CPC.

Attachments:

Attachment 1: Zoning Map

Attachment 2: Aerial Map

Attachment 3: Detailed Site Plan

PZST12-00005



ATTACHMENT 3: DETAILED SITE DEVELOPMENT PLAN

